

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**August 25, 1999**

**DIVISION ONE**

Court convened at 9:00 A.M.

Present: Ortega, Acting P.J., Vogel (Miriam A.), J., Masterson, J., and S. Beaux, Deputy Clerk.

Each of the following:

B125101 DCFS v. Frank H.  
B127790 DCFS v. Danny C.  
B128494 DCFS v. Miguel D.  
B132401 Fidel B. v. SCLA  
B132708 DCFS v. Rene M.

Argument waived, cause submitted.

B128270     Fleming et al.  
              v.  
              City of Los Angeles

Merits:

Argued by Robert Mann for appellants and by Lisa S. Berger for respondents. Counsel waived presence of Spencer, P.J. Cause submitted.

B122751     Munoz  
              v.  
              City of Palmdale

Merits:

Argued by Robert S. Scuderi for appellant and by John Yarmoski for respondent. Counsel waived presence of Spencer, P.J. Cause submitted.

DIVISION ONE (Continued)

B124717     Van Ness  
              v.  
              Van Ness

Merits:

Argued by Gary W. Kearney for appellant and by Christina D. Van Ness, respondent in propria persona. Parties waived presence of Spencer, P.J. Cause submitted.

B125936     Siemens Components, Inc., et al.  
              v.  
              Sheldon

Merits:

Argued by Gary D. Fidler for respondent and by Gregory Grantham for appellant. Counsel waived presence of Spencer, P.J. Cause submitted.

B126321     Jasper et al.  
              v.  
              Cooper et al.

Merits:

Argued by Stephen H. Marcus for appellants and by Linda Chalison for respondents. Counsel waived presence of Spencer, P.J. Cause submitted.

B126440     Roberts  
              v.  
              Peterson et al.

Merits:

Argued by William T. Roberts for appellant and by Cassandra G. Langston for respondents. Cause submitted.

DIVISION ONE (Continued)

B126906 Roth  
v.  
20th Century Insurance Co.

Merits:  
Argued by John M. Inferrera for appellant and by Rita Gunasekaran for respondent. Counsel waived presence of Spencer, P.J. Cause submitted.

B123334 Conservatorship of Switzky  
v.  
Katz

Merits:  
Argued by William Katz, appellant in propria persona, and by Martin B. Snyder for respondent. Cause submitted.

Masterson, J. leaves the bench.

B112029 Ambe & Company et al.  
B127695 v.  
H, B-H Associates et al.

Merits:  
Argued by Alan Diamond for appellants and by Charles M. Stern for appellants. Counsel waived presence of Spencer, P.J. Cause submitted.

Masterson, J. resumes to the bench.

B125012 Balalian  
v.  
Callender et al.

Merits:  
Argued by Michael E. Resnick for appellant, by Wendy Wen Yun Chang for respondent Callender and by respondent Nicholas H. Lambajian, in propria persona. Parites waived presence of Spencer, P.J. Cause submitted.

Vogel (Miriam), J. leaves bench.

August 25, 1999-Continued

## DIVISION ONE (Continued)

B124263 Lagatree  
B125272 v.  
Luce, Forward, Hamilton & Scripps et al.

Merits:  
Argued by David S. Schwartz for appellant, by Charles A. Bird for respondent Luce, Forward, Hamilton & Scripps and by Ben R. Suter for respondent Kessal, Young & Logan. Counsel waived presence of Spencer, P.J. Cause submitted.

Court adjourned.

DIVISION TWO

B111076      Melez      (Not for Publication)  
v.  
Regents of the University of California

The judgment is affirmed. Respondents to recover costs on appeal.

Zebrowski, J.

We concur:   Boren, P.J.  
                      Nott, J.

B124051      Roldan                          (Not for Publication)  
v.  
Salamone

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The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.  
Zebrowski, J.

August 25, 1999-Continued

## DIVISION TWO (Continued)

[illegible]

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.  
Zebrowski, J.

DIVISION THREE

B123129      People                                (Not for Publication)  
v.  
Montoya

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The judgment is modified to include a restitution fine in the amount of \$200 (Pen. Code, 1202.4, subd. (b)), a parole revocation fine in the amount of \$200 (Pen. Code, 1202.45), a laboratory analysis fee in the amount of \$150 (Health & Saf. Code, 11372.5), and mandatory state and county penalty assessments on the laboratory analysis fee in the respective amounts of \$150 and \$105 (Pen. Code, 1464; Govt. Code, 76000). In all other respects, the judgment is affirmed. The Superior Court is directed to prepare an amended abstract of judgment.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

August 25, 1999-Continued

### DIVISION THREE (Continued)

B126152 People v. Devoe (Not for Publication)

The judgment is affirmed.

Aldrich, J.

We concur:   Croskey, Acting P.J.  
                  Kitching, J.

B121130 People (Not for Publication)  
v.  
Carrillo

The judgment is affirmed.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B126887      Sheila M. Hawkins      (Not for Publication)  
v.  
ITT Educational Services, Inc. et al.

The judgment is reversed. Plaintiff is awarded her costs on appeal.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

DIVISION FOUR

B120859 Iglesia De Dios (Not for Publication)  
Camino De Santidad  
v.  
Siegel

The judgment is affirmed. Respondent shall recover his costs on appeal.

Kuhl, J. (Assigned)

We concur: Epstein, Acting P.J.  
Curry, J.

B124055      Blasiar, Inc.                      (Not for Publication)  
v.  
Fireman's Fund Insurance Company

The judgment in favor of Fireman's Fund is affirmed. Fireman's Fund shall recover costs on appeal.

Kuhl, J.

We concur: Epstein, Acting P.J.  
Curry, J.

DIVISION FIVE

B121897 Abraham Chon et al. (Not for Publication)  
v.  
Ivy Realty et al.

The orders sustaining the demurrers of respondents JDC and Citicorp to the Chons' second amended complaint, and the orders dismissing JDC and Citicorp from that action, are affirmed. Respondents to recover their costs on appeal.

Godoy Perez, J.

We concur:   Turner, P.J.  
                      Grignon, J.

August 25, 1999-Continued

## DIVISION FIVE (Continued)

B123421      People                          (Not for Publication)  
v.  
Raj Gupta

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The judgment is affirmed.

Godoy Perez, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

B120971      People  
                    v.  
                    Benny Sanchez

Filed order denying petition for rehearing. Nothing in this order should be read to preclude the filing of a habeas corpus petition raising any appropriate issues.

B130762      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Aida B.  
In re Sara B.

The appeal is dismissed.

Armstrong, J.

We concur: Grignon, Acting P.J.  
Godoy Perez, J.



August 25, 1999-Continued

DIVISION SIX

B111986      Kokkonen      (Not for Publication)  
v.  
Hagmaier et al.

The judgment is affirmed. Costs are awarded to respondents.

Gilbert, Acting P.J.

We concur: Yegan, J.  
Matz, J. (Assigned)

B126139      D. Henry & Sons, Inc.      (Not for Publication)  
v.  
Kessel, et al

As to Lucille Underwood the judgment is reversed. Costs on appeal are awarded to her.

As to Jay Underwood and Kessel the judgment is affirmed. Costs on appeal are awarded to Henry.

Gilbert, Acting P.J.

We concur: Yegan, J.  
Coffee, J.

B123603      Cappello, Foley & Bezek  
v.  
Agri-Cal Inc.

Filed order modifying opinion. (No change in the judgment)

August 25, 1999-Continued

DIVISION SIX (Continued)

B130877 People (Not for Publication)  
v.  
Vrabel

The judgment is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.  
Coffee, J.

B130252      People      (Not for Publication)  
v.  
Luna

The judgment is affirmed.

Coffee, J.

We concur:    Gilbert, Acting P.J.  
                      Yegan, J.

## DIVISION SEVEN

B114629      Aller et al.      (Not for Publication)  
v.  
Board of Regents of the University of California

The judgment is reversed. Appellants shall receive their costs on appeal.

Lillie, P.J.

We concur: Woods, J.  
Neal, J.